

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

United States of America,	)	Case No.: 3:06CR170-W
	)	
Plaintiff,	)	
	)	<b><u>MOTION TO CONTINUE</u></b>
vs.	)	
	)	
Justin Emch,	)	
	)	
Defendant.	)	

---

The Defendant, Justin Emch ("Emch"), by counsel, hereby moves the Court, pursuant to 18 U.S.C. § 3161 (h) to continue this matter from the November, 2006 criminal trial term, and in support hereof states as follows:

1. Emch has been charged with several counts of criminal copyright infringement. Specifically, the indictment alleges that he participated in the unauthorized reproduction and distribution of copyrighted computer software.
2. The discovery in this matter includes raw computer logs and files contained on multiple computers and monitored internet sites compiled over an estimated 3 year time period.
3. Consequently, discovery is complicated and voluminous. Should this matter proceed to trial, it is anticipated that a substantial additional amount of discovery will be produced.
4. Counsel for Emch and the government are in the midst of plea negotiations.
5. Although the parties anticipate resolving this matter through a plea agreement, additional time is needed beyond the November trial setting for several reasons. As set forth above, the discovery is voluminous and complex.

Plea negotiations are further protracted as Emch does not live in the Western district, but rather resides on the west-coast in the state of Washington. Finally, counsel for Emch has been recently notified that he is number 1 for trial on the December 4, 2006 federal criminal trial calendar in an unrelated case.

6. To allow the parties the needed time to resolve this matter, a continuance is requested.

7. The government has stated that it does not object to the granting of this Motion.

WHEREFORE, Emch respectfully requests that the Court grant this motion and continue this matter from the November 2006 criminal trial term.

This the 15<sup>th</sup> day of November, 2006.

**s/John J. Cacheris**

John J. Cacheris  
N.C. Bar No. 20885  
Law Office of John J. Cacheris, P.C.  
435 East Morehead Street  
Charlotte, NC 28202  
T: 704 331-8082  
F: 704 331-0773  
e-mail: cacherislaw@bellsouth.net  
*Attorney for Defendant*

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

United States of America,	)	Case No.: 3:06CR170-W
	)	
Plaintiff,	)	
	)	<b><u>ORDER</u></b>
vs.	)	
	)	
Justin Emch,	)	
	)	
Defendant.	)	

---

**THIS MATTER** is before the Court upon Defendant's motion for a continuance of this matter from the November 2006 term in the Charlotte Division.

For the reasons stated in Defendant's motion the Court will allow the continuance. The Court further finds that the ends of justice served by taking such action as requested by the Defendant outweigh the best interest of the public and the Defendant to a speedy trial.

**IT IS, THEREFORE, ORDERED** that Defendant's motion for continuance is **GRANTED** and this case is hereby continued from the November 2006 term in the Charlotte Division to the \_\_\_\_\_ term in the Charlotte Division.

This the \_\_\_\_ day of November, 2006.

\_\_\_\_\_  
FRANK D. WHITNEY  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading has been served electronically  
via the Western District of North Carolina's Electronic Filing System.

This the 15th day of November, 2006.

**s/John J. Cacheris**  
John J. Cacheris

**SERVED ON:**

Corbin Weiss  
U.S. Department of Justice, CCIPS  
1301 New York Ave., N.W.  
Suite 600  
Washington, DC 20005  
202/ 514-1564  
Fax: 202/ 305-1744  
[corbin.weiss@usdoj.gov](mailto:corbin.weiss@usdoj.gov)